

PROCEDURES FOR FILING A GRIEVANCE

Directive: 6.57

A. GRIEVANCE PROCEDURE

The grievance procedures set forth in this section are in accordance with the current collective bargaining agreement between the City of Wilmington and Fraternal Order Of Police Lodge #1. The procedures listed below provide adequate opportunity for members of the Department of Police to bring forth their views relating to any unfair or improper aspect of their employment situation and to seek correction:

1. Matters which may be grieved shall be limited to disputes or misunderstandings which may arise between the parties concerning the application or interpretation of the collective bargaining agreement between the City of Wilmington and the Fraternal Order of Police Lodge #1.
2. The aggrieved employee shall file with his immediate supervisor a written statement explaining the grievance, the specific contract provision involved, the manner in which the contract has been violated and the remedy sought. The aggrieved employee shall file the grievance within ten (10) working days of the date of the grievance, or when the employee obtains knowledge or should have obtained knowledge of its occurrence.

Each person receiving the grievance will acknowledge receipt by noting the time and date on the grievance. Each person will also sign their name to the grievance at the time of receipt.

The immediate supervisor shall review the grievance and discuss the issue(s) with the employee in an attempt to adjust the matter. He shall then reply in writing to the employee within three (3) working days of the filing of the grievance either affirming or denying the allegation(s) along with any remedies or adjustments recommended.

3. If, after receipt of the written decision of the immediate supervisor, the grievance has not been

satisfactorily resolved, the aggrieved employee has three (3) working days to file a written appeal with his division commander. Within three (3) working days, the division commander shall discuss the grievance with the employee and respond to the employee in writing.

4. If, after receipt of the written decision of the division commander, the grievance has not been satisfactorily resolved, the aggrieved employee shall, within three (3) working days, file a written appeal to the Chief of Police. Within five (5) working days after the Chief has acknowledged, in writing, receipt of the written appeal, the grievance shall be discussed with the Chief of Police and the Director of Personnel for the City of Wilmington or a designated representative.

The aggrieved employee has the right to take a member of F.O.P. Lodge #1 of his choice to this hearing. At such meeting, discussion shall be limited to the issues raised in the grievance complaint and an earnest effort shall be made to arrive at a satisfactory resolution of the issue. The Director of Personnel shall make notes and memoranda of the substance of the issues and conclusions of the meeting. The Director of Personnel and the Chief of Police shall respond in writing within five (5) working days of the conclusion of the hearing.

5. If after receipt of the written decision of the Director of Personnel and the Chief of Police, the grievance has not been satisfactorily resolved, or if they fail to agree, the Lodge may appeal to an impartial arbitrator by writing to the Director of Personnel not later than thirty (30) days after the rendering of the decision or the expiration of the time limit for the rendering of such decision. No appeal shall be considered unless signed by the President of the F.O.P.
6. The impartial arbitrator shall be selected by the Lodge and the City of Wilmington. In the event they are unable to agree upon an impartial arbitrator within five (5) days after the request for arbitration is made by either party, the impartial arbitrator shall be selected through and pursuant to the rules of the American Arbitration Association. The cost of the impartial arbitrator shall be borne equally by both parties. The decision of the arbitrator shall be made

within thirty (30) days of the closing of the hearing and shall be binding upon both parties. The arbitrator will have no jurisdiction over disciplinary cases. The arbitrator shall have access to all written statements and documents pertaining to the appeals in the grievance.

7. Within thirty (30) days after the selection of the impartial arbitrator, the arbitrator shall hold a hearing in connection with the appeal. The employee may be represented by a representative of his choice. Hearings need not be conducted according to technical rules relating to evidence and witnesses; provided, however, that neither party shall be permitted to rely entirely on hearsay.
8. Within thirty (30) days of the conclusion of the arbitrator's hearing, he shall certify his findings which shall then be final.
9. F.O.P. Lodge #1 shall be presumed to be the authorized representative of all members of the bargaining unit in grievance proceedings, unless an individually aggrieved employee, in writing, rejects its representation.
10. Where the alleged grievance involves a matter of general application impacting on a significantly large number of employees, the Lodge may initiate a grievance on behalf of the entire group involved. The Lodge may raise the issue under Section 5 of the Grievance Procedure in the collective bargaining agreement between the City of Wilmington and F.O.P. Lodge #1. All individuals in the group that will be affected by the grievance and its resolution shall be bound to any resolution which is accepted by the Lodge Committee and shall not thereafter again raise the issue individually.

B. GRIEVANCE RECORDS

The maintenance and control of all grievance records **(sworn/nonsworn)** is maintained by the City of Wilmington Personnel Division under the care of the Labor Relations Administrator. No record of the grievance is kept in an individual's personnel file and is accessible only by the Labor Relations Administrator. On a yearly basis, (based on

the fiscal year), the Labor Relations Administrator will analyze all grievances **(sworn/nonsworn)** for that year, in an attempt to observe any trends in filed grievances. If a trend is suspected, the Labor Relations Administrator then takes the appropriate steps to minimize or prevent future grievances.

For information on Civilian Personnel grievance procedures, see the collective bargaining agreement between the American Federation of State, County and Municipal Employees Local # 1102 (AFSCME) and the City of Wilmington Government.